

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JAMAAL A. McNEIL,**

**Defendant.**

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**8:06CR123**

**ORDER**

This matter is before the court on the Defendant's Motion for Determination of Mental Competency [12] pursuant to 18 U.S.C. § 4241. The motion was set for evidentiary hearing on June 8, 2006 [13].

An evidentiary hearing in accordance with U.S.C. § 4247(d) was held before the undersigned magistrate on June 8, 2006. The defendant was present and represented by counsel, Assistant Federal Public Defender, Jeffrey L. Thomas. The United States was represented by Special Assistant United States Attorney, Jennie Dugan-Hinrichs. The defendant offered evidence, including information from a psychological evaluation that occurred on May 19, 2006 conducted by Joseph F. Bertinetti, Ph.D., a licensed psychologist. The government introduced no evidence and does not object to the granting of the motion.

Based upon the evidence presented at the hearing and for good cause shown, I find that the Defendant's Motion for Determination of Mental Competency is granted.

**IT IS ORDERED:**

1. The Defendant's Motion for Determination of Mental Competency [12] is granted.
2. Pursuant to 18 U.S.C. § 4241, the defendant is committed to the custody of the Attorney General for placement in a suitable facility to be examined for a reasonable period of time, not to exceed thirty (30) days, to determine whether defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

3. A psychiatric or psychological report shall be filed with the court with copies provided to counsel of record at the completion of the examination.

4. Upon receipt by the court and counsel of the examination report, a hearing pursuant to 18 U.S.C. § 4247(d) shall be promptly scheduled to determine the competency of the defendant to stand trial in this case.

Dated this 8<sup>th</sup> day of June 2006.

BY THE COURT:

S/ F. A. Gossett  
United States Magistrate Judge